

# **EXHIBIT 1**

## **Part 2 of 2**

1           PRESIDING COMMISSIONER RISEN:   Okay.

2           INMATE TRIPP:   Expired.

3           PRESIDING COMMISSIONER RISEN:   Now, also in  
4   reading the psych evaluation, there it indicated  
5   you were probably going to live with your mother.  
6   That's not the case now.

7           INMATE TRIPP:   No.   When he did my psych  
8   evaluation, that was in January.   And between  
9   January and March, I was on the calendar for March  
10   31<sup>st</sup>.   They removed me and put me on May 17<sup>th</sup>.  
11   After my meeting with him, he had talked to me for  
12   a minute and he said, well, I think your parole  
13   plan is viable, but I think you'd do better.   And I  
14   listened and as soon as I walked out the building,  
15   I proceeded to try to do what he felt would be  
16   better also.

17          PRESIDING COMMISSIONER RISEN:   A little more  
18   structured setting, I think.

19          INMATE TRIPP:   Yeah.

20          PRESIDING COMMISSIONER RISEN:   And there is  
21   a letter in the file dated March 4<sup>th</sup>, 2004 from  
22   Sister Mary Sheen Hodges, H-O-D-G-E-S, at the Casa  
23   Solano in Grover Beach, California, accepting you  
24   into the program.   Now, for work, you've already  
25   found a job for release.   There's a letter here  
26   from Cheryl Langford Bookkeeping and Tax Services  
27   in Pismo Beach, which is nearby.   But you're going

1 to have to have some transportation to get there.  
2 Offering you a job. She says, both of my  
3 businesses have the capability of ensuring a job  
4 for Brandee when she is released. I understand  
5 that from Brandee's mom that Brandee has acquired a  
6 broad knowledge of many different skills and I am  
7 sure I can put her to work. Do you know Cheryl  
8 Langford or is it someone in your family?

9 **INMATE TRIPP:** Not personally. My mother  
10 knows her.

11 **PRESIDING COMMISSIONER RISEN:** Okay. And  
12 what is your knowledge as to what you plan to do  
13 there in the way of work?

14 **INMATE TRIPP:** Pretty much anything she  
15 wants me to do. I do have good clerical skills. I  
16 do know how to operate computers from in here.

17 **DEPUTY COMMISSIONER MAY:** You do know how to  
18 operate computers? You're familiar with a word  
19 processor?

20 **INMATE TRIPP:** Yeah. I do have a word  
21 processor in my present job right now. So, I mean,  
22 I could type. I did take a bookkeeping class about  
23 probably 17, 18 years ago. But I'm sure that if  
24 she sat down with me and helped refresh my memory,  
25 I would -- I'm a very quick learner, so I don't  
26 really see the problem as being able to do what she  
27 would like me to do for --

41

1 [Thereupon, the tape was turned over.]

2 DEPUTY COMMISSIONER MAY: Okay.

3 PRESIDING COMMISSIONER RISEN: Okay, there  
4 is also some indication here that you will receive  
5 a monthly income from a family trust. Who set the  
6 trust up for you?

7 INMATE TRIPP: My grandmother.

8 PRESIDING COMMISSIONER RISEN: Okay, and you  
9 have any idea of what the monthly lump would be for  
10 you?

11 INMATE TRIPP: My mother's attorney had said  
12 it would be, like, \$1,000.

13 ATTORNEY WOODWARD: She has current access  
14 to 1,000, so minimum of 1,000. It may approach  
15 \$1,500.

16 PRESIDING COMMISSIONER RISEN: Okay. And  
17 you also have indicated in here that you want to  
18 attend some computer courses and continue in self-  
19 help. How do you plan to remain substance free  
20 once you're out of here?

21 INMATE TRIPP: Well, once I complete the  
22 recovery program, then I'll continue to go to my  
23 meetings and stuff. I've been writing Mr. Golodner  
24 for about the last five, six, seven years. And  
25 I've never personally met him, but he's familiar  
26 with me through my letters for my counseling.  
27 Because I believe that integration isn't going to

42

1 be really simple. I believe that you need help and  
2 keeping yourself in a positive atmosphere is really  
3 beneficial for you and -- So I'll keep going  
4 because the meetings presently right now -- The  
5 home meetings are -- They're only, like,  
6 approximately maybe three or four blocks from my  
7 house. And I tried to find things that would be  
8 within walking distance because I know getting a  
9 driver's license isn't as easy as it was. You have  
10 to have insurance. You have to have a car and you  
11 have to have a lot of things in order just to be  
12 able to drive. So as long as I can get to the area  
13 on a bicycle and a helmet -- Because I know they  
14 have a helmet law now. -- that I, you know, I can  
15 keep myself in my program. So I tried to make my  
16 arrangements close to where I would be. And with  
17 Golodner, he's in Santa Maria, but I know my mom  
18 would make sure that I got to my appointments. My  
19 mom and my dad, if I can't have a driver's license  
20 at the time.

21 PRESIDING COMMISSIONER RISEN: Okay, you're  
22 referring to Charles Golodner.

23 INMATE TRIPP: Golodner. Yeah.

24 PRESIDING COMMISSIONER RISEN: G-O-L-O-D-N-  
25 E-R. It's a counseling group on Willow Street in  
26 Santa Maria. There's a letter here, 9/5 of 2003  
27 from him, indicating that he would meet with you as

1 a counselor once you're released. Now there's a  
2 letter here from Help? Eldrit? What is in  
3 (inaudible)?

4 **INMATE TRIPP:** Yeah. She was at (inaudible)  
5 -- Well, what it was was I had written her husband,  
6 right. Her husband, he had recently passed on and  
7 he was into the job training partnership back in  
8 the EED program.

9 **PRESIDING COMMISSIONER RISEN:** Okay.

10 **INMATE TRIPP:** And so she was writing me to  
11 let me know that he had passed on and was no longer  
12 in that. It was just giving me other outlets. And  
13 you can look here, and you can look here, because  
14 I'm under the understanding that the EED Employment  
15 Agency has specific programs that are for ex-  
16 felons. That they do help ex-felons. Yes, Sir.

17 **PRESIDING COMMISSIONER RISEN:** The crime was  
18 committed in Grover Beach, well, Avila Beach. In  
19 that area.

20 **INMATE TRIPP:** Yeah, in San Luis Obispo.

21 **PRESIDING COMMISSIONER RISEN:** Is this going  
22 to be a problem, you paroling back to that area?

23 **INMATE TRIPP:** No. In the beginning, I  
24 thought it would because I figured that it would be  
25 very hard to find work and I had started looking  
26 outside where I did have family, but in other  
27 areas. But when the program accepted me and my

44

1 mom's tax lady said, okay, I'll hire her. And I  
2 thought, well, I can get a job and those people  
3 will accept me. I thought maybe it would be all  
4 right. From what my mom tells me, I don't know  
5 personally, no, but I know that Ruckert's family,  
6 they just moved. So they no longer live there.  
7 And if they still lived there, I don't think I'd  
8 feel comfortable being there. Or for them or  
9 myself, because, you know, they tried real hard to  
10 move on with their life, I'm assuming. You know,  
11 they've left that behind and tried to move on and  
12 to see my face every day around the corner, that  
13 would be, you know. That's just not right to do,  
14 and I would work on finding something out of that  
15 community. But I don't feel that they live there  
16 anymore.

17 PRESIDING COMMISSIONER RISEN: Okay, Vivia?  
18 Vivian, is it? Vienna, is it?

19 INMATE TRIPP: Venna.

20 PRESIDING COMMISSIONER RISEN: Venna Jenkins  
21 is your daughter.

22 INMATE TRIPP: Yeah. She was my --

23 PRESIDING COMMISSIONER RISEN: And there's a  
24 letter here dated 5/11/2004. She lives with your  
25 mother.

26 INMATE TRIPP: Yes, Sir.

27 PRESIDING COMMISSIONER RISEN: And this is

1 the daughter your mother adopted.

2 INMATE TRIPP: Yes, Sir.

3 PRESIDING COMMISSIONER RISEN: Okay. And  
4 there's a letter of support from her here. And  
5 there's also a letter from your mother, Mary  
6 Jenkins.

7 INMATE TRIPP: Yes, Sir.

8 PRESIDING COMMISSIONER RISEN: Dated May  
9 11<sup>th</sup>, 2004. It's a letter of support. She also  
10 lists one, two, six, six names for the relatives  
11 who live in that area. Santa Maria, Clovis,  
12 Nipomo, Santa Maria, Grover Beach. They're also  
13 supporting you in your release. Is there anything  
14 else we should know about your parole plans?

15 INMATE TRIPP: Once I complete the program,  
16 I know the program (inaudible). It's a three and  
17 six month program, and they have two separate  
18 houses, from what my daughter told me.

19 PRESIDING COMMISSIONER RISEN: Okay. And  
20 now, as part of the hearing process, we sent out  
21 3042 notices. Those are notices that go to the  
22 presiding judge, District Attorney, the Police  
23 Department, and solicit comments from them  
24 regarding your release. Only response we received  
25 was from the Arroyo Grande Police Department.  
26 Received a letter May 6, 2004 from Steven Andrews,  
27 Operational Commander of the Police Department.



1 And they would be opposed to your parole. We  
2 received no other responses for two of those  
3 letters. We'll go to the next phase. Any  
4 questions?

5 **DEPUTY COMMISSIONER MAY:** No. Just for the  
6 record, though, you've completed vocation forklift  
7 operator and vocational word processing. Is that  
8 it or was there any other vocational?

9 **INMATE TRIPP:** No. I completed vocational  
10 word processing and then I focused my jobs around  
11 utilizing my vocation.

12 **DEPUTY COMMISSIONER MAY:** Just those are the  
13 two, right?

14 **INMATE TRIPP:** Yeah. The forklift was on  
15 the side kind of thing.

16 **DEPUTY COMMISSIONER MAY:** Yeah. Okay. Now,  
17 as far as the different therapy groups, you were in  
18 Breaking Barriers, Relapse Prevention, HIV AIDS  
19 Education Prevention Program, Mexican-American  
20 Resource Association, Arts and Crafts, Correction  
21 Music Program, American Bible Academy Study Course.  
22 Was there any other or is that it? But did I cover  
23 everything?

24 **INMATE TRIPP:** I did for -- I'm trying to  
25 think. I think it was (inaudible).

26 **DEPUTY COMMISSIONER MAY:** What about AA, NA?

27 **INMATE TRIPP:** I've been in AA, NA since

1 1988.

2 DEPUTY COMMISSIONER MAY: Are you in that  
3 now?

4 INMATE TRIPP: Yes.

5 DEPUTY COMMISSIONER MAY: Did I cover  
6 everything?

7 INMATE TRIPP: And I also did -- I had an  
8 incest therapy group.

9 DEPUTY COMMISSIONER MAY: Incest?

10 INMATE TRIPP: Yeah, it was for incest  
11 survivors. And then I had --

12 DEPUTY COMMISSIONER MAY: Yeah. Women  
13 Against Abuse. The domestic violence.

14 INMATE TRIPP: Yeah, by Linda Hayes.

15 DEPUTY COMMISSIONER MAY: Yeah. That's  
16 domestic violence.

17 INMATE TRIPP: Okay. Okay.

18 PRESIDING COMMISSIONER RISEN: I believe the  
19 file contains a -- from the last Board, some  
20 recommendations from Ms. Hayes as to her counseling  
21 therapy as a result of the sexual relationship that  
22 she suffered (inaudible).

23 DEPUTY COMMISSIONER MAY: So does that cover  
24 everything that you've done in the institution?

25 INMATE TRIPP: Besides volunteering my time  
26 (inaudible).

27 DEPUTY COMMISSIONER MAY: Yeah, I mean --

1           **INMATE TRIPP:** I mean, because I did  
2 volunteer for things. I mean, I teach line  
3 dancing.

4           **DEPUTY COMMISSIONER MAY:** Okay.

5           **INMATE TRIPP:** And we'd volunteer. When  
6 they'd have little shows, we'd volunteer to go in  
7 front of all those people.

8           **DEPUTY COMMISSIONER MAY:** Okay. All right.  
9 Thank you. That's it. Return to the Chair.

10          **PRESIDING COMMISSIONER RISEN:** All right.  
11 Couple of questions. In the Governor's letter we  
12 talked a little bit about -- It says in 2002, you  
13 indicated that you had no prior criminal activity  
14 before the murder. Then he refers back to the '85,  
15 '91, and '93 psych reports where you talked about  
16 stealing cars and stealing from your parents and  
17 shoplifting. You were never arrested on any of  
18 those charges?

19          **INMATE TRIPP:** The only thing that ever  
20 happened to me was I was picked up in Utah when I  
21 ran away. And I had a stolen car, but they never  
22 filed on me, but they picked me up in Utah. I  
23 stayed in juvenile hall and got shipped back down  
24 to my mom. But I wasn't put under arrest for it.  
25 It was because I was out of state when they picked  
26 me up.

27          **ATTORNEY WOODWARD:** And I believe that the

1 -- I was present at that hearing. -- that the  
2 statement by Ms. Tripp where she had no past  
3 criminal record. I don't think she made any  
4 assertions as to any other activity.

5 **PRESIDING COMMISSIONER RISEN:** Okay. Says  
6 in the 1999 psychiatric evaluation, Ms. Tripp  
7 admits that she and her husband discussed both  
8 Tamron and her sister. Moreover, Ms. Tripp and her  
9 husband looked at, you know -- He says, it is not  
10 credible that she did not know that Tamron would be  
11 killed because you had discussed her being killed  
12 with your husband prior to this.

13 **INMATE TRIPP:** I was part of -- I can't take  
14 myself out of the conversation. I was there when  
15 -- All four of us were actually there when the  
16 conversations were taking place. I didn't help the  
17 matters. I know today that I probably helped them  
18 more than I really liked to. I didn't help stop  
19 the matters and it was a discussion that I was on  
20 the side of no, let's not do it that way. No,  
21 let's not do it that way. Let's try to do it this  
22 way. And I guess that's why I ended up being  
23 considered the person in charge. Pretty much, they  
24 think I was the overseer of the whole thing and  
25 there was really nothing I could do about that.  
26 Because that's how they see that, but I was always  
27 trying to run interference. And then when he

1 promised me that they wouldn't hurt her, then I  
2 became more willing to go along with it because I  
3 didn't know that (inaudible). And then I became  
4 afraid to act on it. I was too afraid to do  
5 anything. I didn't really want to believe that my  
6 husband would kill anyone anyway, because they  
7 didn't do anything with Betty Ann. They were  
8 supposed to do everything and they didn't do  
9 anything. So in the back of my mind, I guess I  
10 just thought, well, you know, they couldn't do  
11 that. They couldn't even just throw her in the  
12 trunk. You know, they're not going to do anything.  
13 He promised me he's going to do that and I just  
14 talked myself into believing that he wouldn't kill  
15 anyone, which blinded me about any results other  
16 than what it was supposed to be like. That's how  
17 it was supposed to be. He said it was going to  
18 happen that way. I believed him, and I didn't want  
19 to believe anything else until I got older and  
20 realized that this was the first time they ever  
21 asked me to go along. What did you think, because  
22 they had asked me before what did I think my dad  
23 was going to do if we didn't produce positive proof  
24 that they did what they said they were going to do.  
25 Well, I never thought of that. I didn't think  
26 beyond just making him believe that taking his  
27 money, letting her go. I thought that was the

1 reality. I thought that could really happen at the  
2 time. And I know that could never happen. I mean,  
3 because of me, I know she is dead because her  
4 family wouldn't have -- I don't know if Tammy  
5 would have gotten in the car with them if I hadn't  
6 of been a part of it in the beginning because  
7 that's not what happened. But I know it helped her  
8 to get in the car because she knew they were taking  
9 her back. (inaudible) going to the beach, so she  
10 (inaudible) okay, let's go. And I put that thought  
11 in her mind, so it's just as much my fault as it  
12 probably was to pull the rope (inaudible).

13 **PRESIDING COMMISSIONER RISEN:** Okay. I have  
14 no other questions. Do you have any questions of  
15 your client?

16 **ATTORNEY WOODWARD:** Yes. We touched briefly  
17 on it. I want to make sure that we understand.  
18 You indicated that from age seven for approximately  
19 seven, eight, nine, 10 years, you were molested by  
20 your stepfather. Is that a true statement?

21 **INMATE TRIPP:** Yeah. I would say it was  
22 mostly from seven to about 14. Fifteen, 14 years  
23 old and then it started to become, well, if you do  
24 this, I'll get you this. If you do this, then I'll  
25 get you that type of thing. So it was a money  
26 deal. And when I was young, early in the time, I  
27 used to call -- I thought it was blackmail. I

1 didn't really know the concept of blackmail at the  
2 time when I said it and it was more of a  
3 prostitution thing. I classify it as prostituting  
4 because if I gave him sex, he would give me money  
5 or he'd buy me something or we'd, like, go  
6 somewhere. And that was the way that I got things  
7 that I wanted was to pay for it with my body,  
8 actually.

9 **ATTORNEY WOODWARD:** That was after seven  
10 years of non-consensual sex.

11 **INMATE TRIPP:** Yeah. I don't remember it  
12 being consensual until after I was 17 and I figured  
13 out that's how I could get my way. That's how I  
14 could get things. Daddy will give them to me.

15 **ATTORNEY WOODWARD:** Mr. May indicated that  
16 you were disciplinary free since 1988, with the  
17 exception of a 115 in 1999.

18 **INMATE TRIPP:** No, 128.

19 **ATTORNEY WOODWARD:** 128, sorry, in 1999.  
20 And that 128, I understand, was for -- You'd kept  
21 some clothing (inaudible).

22 **INMATE TRIPP:** No, I had a extra laundry  
23 bag.

24 **ATTORNEY WOODWARD:** You had an extra laundry  
25 bag. Other than that issue, you've been  
26 disciplinary free since 1988.

27 **INMATE TRIPP:** And there was a '95 one for

1 logbook. My sponsor had given me a logbook that  
2 was empty, so I could use as a clipboard. And the  
3 warden took it in room searches and said it was  
4 contraband. My boss said it would be contraband  
5 only if the pages were written on, so she ripped  
6 the pages out. It was still contraband, so.

7 **ATTORNEY WOODWARD:** If you were given a  
8 parole date, you are comfortable with the  
9 transition going to the Casa Solano?

10 **INMATE TRIPP:** Yes. I'm real comfortable  
11 with that because that puts me in an area to help  
12 adjust around people that are really familiar with  
13 the adjusting period. Because I've never paroled.  
14 You know, I just hear stories about it from people  
15 that come in and out and it's just -- To me, it  
16 feels better to be in an environment of people that  
17 are going to understand that you're going to have a  
18 lot of questions. Learning how to work a CDC  
19 player was really a big deal for me. And the  
20 microwave. That was something I was like, oh, god.  
21 And I realize -- It made me realize that the world  
22 has changed out there since I've been out there,  
23 and it's not the same. When I was out there, they  
24 had eight track tapes and those I don't think exist  
25 anymore, so. So things have changed and it's good  
26 to have people that are familiar and comfortable  
27 around inmates. I was mostly concerned about my



1 mom, you know. Putting the burden of adjusting on  
2 her, because she's never had an ex-con in her house  
3 that she knew of. Because she never knew about  
4 Ruckert until it was too late. So she's never been  
5 through the parole procedures and parole plans and,  
6 you know, and having a parole officer and all that.  
7 And I told her, well, you know, there's a lot of  
8 things I can't do, Mom, but it's okay. You know,  
9 at least we get to see each other. That'll be okay  
10 with me. If I have to stay home all the time,  
11 that's fine with me.

12 PRESIDING COMMISSIONER RISEN: Your being  
13 there.

14 INMATE TRIPP: So I can work there because  
15 then I'll be able to adjust. It'll be easier for  
16 me and my mom. Then I can help my mom with her  
17 adjustment, too.

18 PRESIDING COMMISSIONER RISEN: And you did  
19 testify against Mr. Ruckert at his trial?

20 INMATE TRIPP: Yes, I did.

21 PRESIDING COMMISSIONER RISEN: And you've  
22 been here almost 25 years?

23 INMATE TRIPP: Twenty-five years in July.

24 PRESIDING COMMISSIONER RISEN: And when you  
25 testified against Mr. Ruckert, you entered into a  
26 plea negotiation with the District Attorney's  
27 office?

1           **INMATE TRIPP:** Yes, I did.

2           **PRESIDING COMMISSIONER RISEN:** Did you  
3 understand in the plea negotiation that you were to  
4 serve 15 years to life?

5           **INMATE TRIPP:** Yes. Someone in that area,  
6 but I'm not sure if it was ever on record, he told  
7 me I'd only do ten years. But I just figured that  
8 until it's (inaudible) formal, I guess that's how  
9 long it's supposed to be. And just trying to do  
10 the best I can while I'm here.

11           **PRESIDING COMMISSIONER RISEN:** So you  
12 honestly think you've had time to reflect on your  
13 actions and what you did? Your participation in  
14 this crime? Do you believe you pose a risk to  
15 society? That you (inaudible) any kind of a  
16 criminal act that would pose a danger to society?

17           **INMATE TRIPP:** I don't think I have the  
18 capabilities of becoming a risk anymore, creating a  
19 danger. Because I've learned to become very law-  
20 abiding. Even in prison. I'm very rule-bound and  
21 you don't break the rules. They don't allow you to  
22 smoke. You go outside and (inaudible). Little  
23 things that people take advantage of every day that  
24 they don't think twice of that are big rules for us  
25 in here. And can do just as much damage in  
26 (inaudible) and you're here for a reason. And I  
27 understand that and I don't think any -- I've

1 worked for years putting myself in a place where no  
2 one can twist me or manipulate me into  
3 participating in anything that's against the law,  
4 period, any way. But especially (inaudible) After  
5 years, I know the difference between right and  
6 wrong. And I wouldn't have any problem standing up  
7 and telling. I could pick up the phone or stay on  
8 the line and turn someone in today. Because it's  
9 not right.

10 **ATTORNEY WOODWARD:** I have no further  
11 questions.

12 **PRESIDING COMMISSIONER RISEN:** I have a  
13 couple. Where is Mr. Ruckert?

14 **INMATE TRIPP:** I think he passed away in  
15 1985.

16 **PRESIDING COMMISSIONER RISEN:** (Inaudible.)

17 **INMATE TRIPP:** And I don't know what  
18 institution he was in.

19 **PRESIDING COMMISSIONER RISEN:** They're still  
20 in as far as you --

21 **INMATE TRIPP:** As far as I know.

22 **PRESIDING COMMISSIONER RISEN:** And Randy  
23 Cook?

24 **INMATE TRIPP:** And he's still in also as far  
25 as I know.

26 **ATTORNEY WOODWARD:** But they have a first  
27 degree conviction (inaudible).

1           **PRESIDING COMMISSIONER RISEN:** Now, when  
2 Ruckert was molesting you, did you ever think about  
3 telling your mom?

4           **INMATE TRIPP:** I did think about telling my  
5 mom. I think because of my mom's (inaudible)  
6 divorce with my original dad and the remarried  
7 thing, it was real important for me as a child to  
8 have a full family. Because kids would make fun of  
9 me anyway and I can't really remember why. I just  
10 know they used to make fun of me. When I was in  
11 school, I wasn't quite built like everybody or  
12 something. And so he used to tell me that if I  
13 told my mom, you know, she'll make me leave and you  
14 won't have a daddy and people aren't going to like  
15 you. And when I was little, having friends was  
16 really important to me. And well, now I'm older, I  
17 don't know why that was so important because I  
18 couldn't invite them over because one time I tried,  
19 my stepdad really did try to touch one of my  
20 friends and I didn't do anything about it. I was  
21 younger then. I was probably only around 12 or  
22 something. But I never asked anybody over to my  
23 house again because now I had to protect them from  
24 him also.

25           **PRESIDING COMMISSIONER RISEN:** Okay. You  
26 know, you indicated in -- Not today, but I read it  
27 here. In the first nine years, you felt that you

1 really hadn't done too much. What was it that made  
2 you realize that you were more involved in the  
3 crime and responsible than you were the first nine  
4 years? What changed your mind?

5 **INMATE TRIPP:** Actually, what really started  
6 making me think about it was -- It was a  
7 combination. When I started going to AA and NA and  
8 started doing 12 Steps. Twelve Steps were very big  
9 for me. And at the same time, I was doing my  
10 Incest Survivor's Group and realized where it came  
11 from. But I would have to say more of my AA. My  
12 AA and my honesty in accepting responsibility  
13 because there's nothing I -- I can't do anything to  
14 change it. And my biggest motivation, actually,  
15 was Tammy. Because it was, like, well, she's gone  
16 now. And I can't do nothing, but I can make sure I  
17 never let anyone (inaudible) sister again. It kind  
18 of motivated me to find out why. And as I was  
19 doing my programming, the honesty thing kicked in,  
20 everything was starting to say, well, okay, you  
21 were a little more -- Because I used to get an  
22 attitude when they tried to throw it all off on me  
23 and I didn't understand why. And I thought well,  
24 if it wasn't for me, she probably wouldn't have  
25 been at the store. And if she wasn't at the store,  
26 they probably wouldn't have picked her up, so yeah,  
27 you're responsible. You did that and then I had to

1 deal with that. And then I had to learn how to  
2 kind of try to forgive myself. And the only way I  
3 can do that is by working my program and helping  
4 people. That's why I really like the SOS program.  
5 Because we give all those things either to the  
6 elderly veterans or the homeless children.

7 **PRESIDING COMMISSIONER RISEN:** Okay. What  
8 does SOS stand for?

9 **INMATE TRIPP:** Sharing Our Stitches. My  
10 program I'm involved in is the crochet program. So  
11 we crochet little hats and sweaters and blankets  
12 and booties. And our sponsor takes them to the  
13 homeless shelter places for the kids. And so, I  
14 focus my area around helping kids and helping other  
15 people so they don't have to go through this.

16 **PRESIDING COMMISSIONER RISEN:** Any  
17 questions?

18 **ATTORNEY WOODWARD:** Closing statement, but I  
19 (inaudible).

20 **PRESIDING COMMISSIONER RISEN:** Okay. Okay.  
21 We'll go to closing then.

22 **ATTORNEY WOODWARD:** Initially, I want to  
23 point out to the Board, if I may, the same  
24 Probation Report that Governor Davis drew most of  
25 his information in rejecting the last parole date  
26 that was issued last parole Board. There's a  
27 paragraph in there by the author that indicates

1 that that author in 1979 agreed with Ms. Tripp in  
2 that she said -- And you can read the words  
3 yourself. Quote, I believe that she's being  
4 truthful in her words, unquote. The relevance of  
5 that is that while Ms. Tripp is understood her  
6 complicity in the conspiracy and understood that  
7 complicity that ultimately led to the death of a  
8 child -- that it does drive home the persistent  
9 adamance that she believed, whether it was founded  
10 in reality or not, that she was a participant in a  
11 kidnapping and not a murder. It is also relevant  
12 to understand that most of us sitting here could  
13 not fathom, as you raised, Mr. Risen, is why  
14 couldn't you project down the road that your  
15 actions would have created these reactions. Is  
16 that it's relevant to understand that we come from  
17 a position not helping sexual abuse. It does  
18 change your personality. It does impact your  
19 ability to reason. And I would ask that when you  
20 look at the egregiousness of the crime, that we  
21 understand that we have to place ourselves in that  
22 capacity and not the capacity we sit in here today.  
23 Her remorse is documented and unfaltering in the  
24 last 14 years. She understands, agrees, and has to  
25 deal with, her complicity in the crime. The issue  
26 is whether in fact she poses an unreasonable risk  
27 to society if she is released. Whether, in fact if

1 she is released, that her employment or future  
2 prospective plans are realistic. She has served 24  
3 years, 10 months for her participation in this  
4 crime. Following case law, if you compare it to  
5 the egregiousness of the crime to similarly  
6 situated people, many of those same people cited in  
7 case law, specifically Danberg and Rosenberg --  
8 Excuse me, Ramirez. -- were committed for longer  
9 periods, did less time than if they had committed a  
10 more egregious act. The matrix for an egregious  
11 act of this type, if you assume all things to be  
12 true, even in Governor Davis's letter, the matrix  
13 is 21 years. She has done just about 25 years. If  
14 you take her combined time, her prior incestual  
15 issues, her remorse, her realistic post-parole  
16 plans and you combine that with 13 subsequent psych  
17 reports issued from this institution indicating she  
18 would not pose an unreasonable risk to society --  
19 Thirteen years. In fact, the first one was 18  
20 years ago. The last 13 psych report have parroted  
21 the same words: She would not pose an unreasonable  
22 risk to society. In light of the consideration  
23 given to her time spent, her plans after she leaves  
24 here, her remorse, her participation in the act  
25 itself. At some point we have to ask ourselves has  
26 she paid her debt. If she has paid her debt, if  
27 she doesn't pose an unreasonable risk, and she has



1 realistic parole plans, then it is the right thing  
2 to parole and give her a release date. It is the  
3 absolute correct thing to do. It is time to do it.  
4 This Board at the last meeting, I believe saw an  
5 opportunity for an individual to become a  
6 constructive member of society. Unfortunately,  
7 this present administration, then-present  
8 administration, did not. Nothing has changed since  
9 then other than her continued good participation in  
10 this institution. I ask you to look at all of the  
11 honest considerations given to her parole date and  
12 issue a parole release date for Ms. Tripp.

13 **PRESIDING COMMISSIONER RISEN:** Thank you.  
14 Ms. Tripp, it's now your opportunity to tell the  
15 Board why you're suitable for parole or you can  
16 rely on your attorney's statement.

17 **INMATE TRIPP:** I personally feel that I've  
18 done a lot of time. I feel that I've learned what  
19 I was supposed to learn in here. That I've grown  
20 how I was supposed to grow in here. And that I  
21 actually have morals and principles in my life and  
22 that I have a foundation and will stand on it. I  
23 couldn't tell people no. I couldn't differ from  
24 right or wrong and not go along with it. I had to  
25 fit in and today, I don't have to go against the  
26 grain and I don't have to go against the rules and  
27 regulations to fit in. Because I know I'm okay

1 today being who I am and just being who I am and  
2 not having to prove anything to anybody else  
3 because who I am is going to show by itself anyway.  
4 I think that if the Board finds me suitable and,  
5 Lord willing, the Governor decides to agree with  
6 the Board this year -- If you find me suitable,  
7 that I would be a very productive part of society.  
8 I have very good work ethics which I had to learn  
9 in there. I think if I had to praise my own self,  
10 the work ethics are very -- That would be my high  
11 points because I really enjoy keeping a job and  
12 working in a job and doing my best and realizing  
13 that anything that you do in life reflects who you  
14 are. So everything I do, I try to do to the best  
15 of my ability and the qualities that I have in here  
16 that's been given to me and taught to me. And I  
17 feel that I would be very -- I would make the Board  
18 proud and my attorney proud and the institution  
19 real proud when I never came back here again. And  
20 I would be able to fit into society because I think  
21 my qualities and my job skills would fit out there  
22 once I got a driver's license. Of course, since I  
23 can't drive or anything until I can, but -- And  
24 then one of my biggest things that I was thinking  
25 about the other day is that -- Because I don't know  
26 where they put Tammy when they buried her in that  
27 sewer, she's (inaudible). But if she's in the

64

1 area, I think, I thought one of my biggest things  
2 that I would probably do for her is just, you know.  
3 Because I know that I've never had anyone pass away  
4 before, that I had to take care of their little  
5 area that I know you have to take care of it. And  
6 that is one of the things that I'd like to do for  
7 her is take care of her little area. And make her  
8 little bed nice. And I'm just (inaudible).

9 PRESIDING COMMISSIONER RISEN: Okay. We'll  
10 recess -- It is 3:30 -- for deliberations. We'll  
11 call you back in a few minutes.

12 R E C E S S

13 --oOo--  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**CALIFORNIA BOARD OF PRISON TERMS**

**D E C I S I O N**

**DEPUTY COMMISSIONER MAY:** We're on record.

**PRESIDING COMMISSIONER RISEN:** Okay. Everyone who was previously in the room has returned. The time is 4:00. The Panel reviewed all information received from the Public and relied on the following circumstances in concluding that the prisoner is suitable for parole and would not pose an unreasonable risk of danger to society or a threat to public safety if released from prison. The prisoner, while imprisoned, has enhanced her ability to function within the law upon release through participation in educational programs. She has obtained a GED, vocational programs. She has obtained a vocational certificate in forklift operation and also in vocational word processing. She's also, through self-help, taken the following: She's been in AA and NA since 1998. What did I say?

**DEPUTY COMMISSIONER MAY:** 1988.

**PRESIDING COMMISSIONER RISEN:** 1988. She's been in the SOS program. She's taken the Womens Against Abuse program, the American Bible Academy, Arts and Correctional Music Program, the Relapse Prevention program, the HIV AIDS Prevention

**BRANDEE TRIPP W-15695 DECISION PAGE 1 5/17/04**

1 Program, and Breaking Barriers. Her institutional  
2 job assignment is in the PIA working as a label  
3 mechanic operator since 2000, and she has received  
4 satisfactory work reports in that assignment. The  
5 prisoner lacks a significant criminal history of  
6 violent crime. Because of maturation, growth,  
7 greater understanding, and advanced age has reduced  
8 the probability of her recidivism. The prisoner  
9 has realistic parole plans, which includes a job  
10 offer and family support. Would say that I would  
11 rate the parole plans as superior. She has a place  
12 to live at the Casa Solano, which is in Grover  
13 Beach. It is part of the Archdiocese of Los  
14 Angeles. She also has a job offer from Cheryl  
15 Langford, who has a bookkeeping and tax service.  
16 In fact, she has two of them in the Pismo Beach  
17 area. The prisoner has maintained close family  
18 ties while in prison by letters and visits. And  
19 today, we have a letter, from her mother, of  
20 support listing six relatives in the Grover Beach,  
21 Santa Maria, Nipomo, Clovis area that support her  
22 release and are willing to help her in any way they  
23 can when she is released. Prisoner has maintained  
24 a positive institutional behavior, which indicates  
25 significant improvement in self-control. She has  
26 had no 115s since 1988. Her last 115 was failure

1 to report to a work assignment. She also has had a  
2 few 128As. The last was in 1999 for excessive  
3 clothing. And prior to that, was three years,  
4 misuse of state property. And then the last was in  
5 1988 prior to that. So we feel that she has a good  
6 disciplinary record while in custody. Prisoner  
7 shows signs of remorse. She has indicated that she  
8 understands the nature and the magnitude of the  
9 offense and accepts responsibility for her criminal  
10 behavior and has a desire to change towards good  
11 citizenship. The psychological factors -- The most  
12 recent psychological report, authored by Peter Hu,  
13 H-U. Mr. Hu is a staff psychologist and is  
14 reporting through January 16<sup>th</sup>, 2004. It is  
15 favorable. He states,

16 "The inmate has not been dangerous  
17 within a controlled setting, and I do  
18 not believe that she will be  
19 dangerous if released to the  
20 community. The inmate has gained a  
21 healthier respect for the rights and  
22 privacy of others and appears to have  
23 followed diligently in the rules and  
24 regulations here at the institution.  
25 The inmate has been able to keep her  
26 pathological characteristics in

1 control and she has obtained a  
2 certain level of peace and  
3 contentment with herself. Risk  
4 factor, as always, would be if she  
5 ever attempted to resort to acts of  
6 criminality, though given her peace  
7 and contentment, I do not suspect  
8 that to be the case."

9 The psych evaluation prior to that was prepared on  
10 9/10 of '99 by Robert D. McDaniels, who's also a  
11 staff psychiatrist. It is favorable. He states,

12 "The inmate has not been dangerous  
13 within a controlled setting. I do  
14 not believe she would be dangerous if  
15 released to the community. Her  
16 orientation was obviously changed  
17 over many years, as reflected by a  
18 good work ethic and her involvement  
19 within the institution. A  
20 significant risk factor, as always,  
21 would be appropriate parole plans.  
22 However, these have been deemed  
23 viable in the past."

24 We would comment that the Panel feels her parole  
25 plans are superior. Base term of confinement. The  
26 base of life offense for which the prisoner has

1    been convicted is murder second, 187 of the Penal  
2    Code. The offense occurred on 7/8 of '79. The  
3    term is derived from the matrix located in the CC  
4    and R Title XV at 2403 parentheses C, second degree  
5    murder, offense committed on or after 11/8 of '78.  
6    The Panel finds that Category A2 is appropriate in  
7    that the crime partners were actually the one who  
8    committed the homicide or murder and the prisoner  
9    had a relationship with the victim. It was that of  
10   a friend. The Panel assess 204 months for the base  
11   offense and notes that this is the midterm. So the  
12   base term of confinement is 204 months. The total  
13   period of confinement is 204 months. Post-  
14   conviction credits from February 18<sup>th</sup>, 1981 until  
15   today's date, 5/17 of 2004, is 73 months. Total  
16   period of confinement -- That would be minus the  
17   post-conviction credits. Total period of  
18   confinement is 131 months. Special conditions of  
19   parole. The following special conditions of parole  
20   are imposed: Do not use alcoholic beverages.  
21   Submit to alcohol testing. Submit to anti-narcotic  
22   testing. Submit to THC testing. Participate in  
23   substance abuse program, such as AA or NA and  
24   attend outpatient clinic for evaluation. These  
25   were made conditions of parole because the  
26   psychologist -- And at the time of the commitment  
27   **BRANDEE TRIPP    W-15695    DECISION PAGE 5    5/17/04**



70

1 offense, she had been using drugs, although it  
2 wasn't something that was involved in the  
3 commitment offense itself. You will be paroled  
4 back to the same county that the commitment offense  
5 was. And that's where the Panel feels that you  
6 will be most successful, based upon the parole  
7 plans that you've developed today. Any comments,  
8 Commissioner?

9 **DEPUTY COMMISSIONER MAY:** Good luck to you.

10 **PRESIDING COMMISSIONER RISEN:** Okay. The  
11 process now is it goes to Decision Review and  
12 they'll evaluate it. Once it's gone to them, it  
13 then will go to the Governor and he has 90 days  
14 from the date we give it to him to make an  
15 evaluation. So I think overall it's going to be  
16 about six months before you hear anything. Couple  
17 of comments. I notice that when you talked about  
18 -- You were closing. -- about your involvement in  
19 the crime, you were very emotional. And I think  
20 that is a consideration. I also took into  
21 consideration the fact that you've been denied and  
22 you still kept programming. You didn't give up.  
23 There's a lot of people in the institution that  
24 will depend on you because people who go out and  
25 make mistakes and have to come back, it reflects on  
26 them. We as Panel members say, where did I go

27 **BRANDEE TRIPP W-15695 DECISION PAGE 6 5/17/04**

71

1 wrong. So you've got a lot of things resting on  
2 you. But I want to say that I didn't give you the  
3 date. You earned it. You've done a good job in  
4 here. So good luck in the future.

5 INMATE TRIPP: Thank you very much.

6 PRESIDING COMMISSIONER RISEN: Bye now. Thank  
7 you both. I'm going to keep your parole plan  
8 letters and send them up with the file.

9 INMATE TRIPP: Okay. Thank you very much.

10 PRESIDING COMMISSIONER RISEN: Thank you.

11 INMATE TRIPP: You guys have a nice evening.

12 PRESIDING COMMISSIONER RISEN: You too.

13 --oOo--

14

15

16

17

18

19

20

21

22

23 PAROLE GRANTED

**PENDING REVIEW  
AND APPROVAL**

24 THIS DECISION WILL BE FINAL ON:

25 YOU WILL BE PROMPTLY NOTIFIED IF, PRIOR TO THAT  
26 DATE, THE DECISION IS MODIFIED.

27 BRANDEE TRIPP W-15695 DECISION PAGE 7 5/17/04

CERTIFICATE AND  
DECLARATION OF TRANSCRIBER

I, MATTHEW YATES, a duly designated transcriber, CAPITOL ELECTRONIC REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 through 71, and which recording was duly recorded at CALIFORNIA INSTITUTION FOR WOMEN, at CORONA, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of BRANDEE TRIPP, CDC No. W-15695, on MAY 17, 2004 and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the hearing.

- Dated May 26, 2004 at El Dorado County, California.

  
-----  
Matthew Yates  
Transcriber  
CAPITOL ELECTRONIC REPORTING

# **EXHIBIT C**

DUPLICATE COPY

Brandee Tripp, W-15695  
Second-Degree Murder  
Page 2

Despite a turbulent pre-prison history, which included verbal, emotional, and sexual abuse, substance abuse, and prostituting herself, Mrs. Tripp had no criminal record at the time of Tameron's murder.

Now 45 years old, Mrs. Tripp has been incarcerated for more than 23 years. While her first six years in prison included multiple serious-rules violations and an array of minor misconduct, she has been discipline-free for the last 16 years and has worked to enhance her ability to function within the law upon release. She completed her GED and has obtained vocational certificates in word processing and forklift operation. She has participated in a number of self-help and therapy programs, including Women Against Abuse, the Relapse Prevention Program, Breaking Barriers, Anger Management, and Alcoholics Anonymous and Narcotics Anonymous consistently since 1988. She has received laudatory reports from various prison staff for her volunteer and self-help activities as well as receiving favorable Life Prisoner and mental-health evaluations. She has also established and maintained seemingly solid relationships with her mother and her daughter and has viable parole plans that include residence at a licensed treatment facility for recovering addicts and a job offer from a family friend.

Mrs. Tripp maintains that she did not intend for Tameron to be killed. During her 2004 parole hearing, she told the Board that her husband "promised me that no one would get hurt" and that "In my head, I didn't think that anything could go wrong, and I didn't think far enough to know that her life would be taken." But at that same hearing, she admitted to suggesting various ways to kill Tameron, and explained, "I guess that's why I ended up being considered the person in charge." In her 1999 mental-health evaluation, Mrs. Tripp said that she refused to be involved in the physical abduction of Ms. Maddocks—but was willing to help lure her outside to be kidnapped. She also was agreeable to planning a way for her husband and Mr. Cook to kidnap Tameron. Her statements are inconsistent. Nevertheless, she says she accepts responsibility and is sorry for Tameron's murder.

Be that as it may, however, I cannot ignore the circumstances surrounding this particularly monstrous—and premeditated—crime. Mrs. Tripp, who was initially charged with conspiracy to commit murder, kidnapping, and special-circumstances murder, helped plan the kidnap and murder of a 10-year-old child. And she did so for money and to help an accused child molester by eliminating Tameron so she could not testify against him. Because of Mrs. Tripp, Tameron was lured into a car, taken to a remote location, and viciously killed by two individuals who strangled her in a type of tug-of-war action between them. The terror and horror Tameron must have endured is unimaginable. Mrs. Tripp had numerous opportunities to prevent this murder from happening—but she did nothing to spare Tameron. Mrs. Tripp herself acknowledged during her 1985 mental-health evaluation that she could have prevented the murder. Similarly, during her 2004 parole hearing, she said that she tried calling the police twice on the day of the murder but failed to do so because she was "scared." The manner in which this crime was planned and carried out—particularly against one so young and vulnerable—demonstrates exceptional depravity and an utterly callous disregard for human life and suffering.

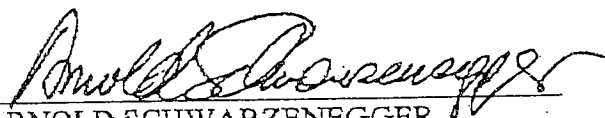
INMATE COPY

Brandee Tripp, W-15695  
Second-Degree Murder  
Page 3

Moreover, Tameron was not just any child to Mrs. Tripp. At the 2004 parole hearing, Mrs. Tripp described Tameron's sister as her "best friend." During her 1992 mental-health evaluation, she stated that she was "the only one who was allowed to take Tameron places alone." Mrs. Tripp not only perpetrated a chilling and revolting crime, she did so by violating her position of trust with Tameron and Tameron's family.

Mrs. Tripp has made creditable gains while in prison. But after carefully considering each of the factors the Board is required to consider, the gravity of the murder Mrs. Tripp perpetrated upon young Tameron presently outweighs the positive factors tending to support her parole. Accordingly, because I believe she would pose an unreasonable threat to public safety if released from prison at this time, I REVERSE the Board of Prison Terms' 2004 decision to parole Ms. Tripp.

Decision Date: 10/11/04

  
ARNOLD SCHWARZENEGGER  
Governor, State of California

3  
IMMEDIATE COPY

## **EXHIBIT D**



**CALIFORNIA INSTITUTION FOR WOMEN  
PSYCHIATRIC EVALUATION FOR THE BOARD OF PRISON TERMS  
March 2004 CALENDAR**

**TRIPP, Brandee  
W-15695**

**IDENTIFYING DATA:** This is a subsequent and my first Board Report on this 40-year old Caucasian female who was received at CIW on 2/18/81 for the term of 15 years to life for Second Degree Murder.

**RELEVANT INFORMATION:** I spent approximately 1 hour and 15 minutes on 1/15/04 interviewing the inmate. In addition to the interview, I also had an opportunity to review her central file and medical records.

The inmate was informed regarding the non-confidential nature of the interview, and that I would be utilizing the information from the interview as well as information obtained from the central file and medical records in order to generate an opinion for the Board of Prison Terms. The inmate had a clear understanding regarding the non-confidential nature of the report.

**REVIEW OF LIFE CRIME:** Please refer to her central file for more information.

In essence, the inmate was the victim of her stepfather's sexual molestation since the age of 7 until she moved out at age 18. Per the inmate, her stepfather was allegedly charged with sexual molestation and had offered her boyfriend and her, in addition to two additional accomplices, to murder the victims in his child molestation case. Per the inmate as well as the review of the central file, the inmate was responsible in participating in the planning of the kidnapping of the victim in this case. In a plea bargain process, she was convicted of Second Degree Murder and testified against others in the trial.

During the discussion of this crime and incidence that led up to this crime and subsequent events following her incarceration, the inmate has demonstrated an excellent understanding of her actions. In addition, she demonstrated significant remorse and regret of the crime and assumed responsibility for her actions. She indicated that the first nine years of her incarceration that she had significant difficulties and has had numerous write-ups and acts of rebellion. However, she began to focus on her actions and her characters after being involved in the mental health treatment. She stated that she has developed a new sense of understanding regarding her chaotic past and her sense of "narcissism." She indicated that she has obtained a new respect for people's rights and understood that she can only control her own actions.

**CURRENT PROGRESS WHILE IN THE INSTITUTION**

**Medical Information:** The inmate has been diagnosed with diabetes and is currently receiving medications for the treatment of the medical problem. In addition, the inmate indicated that she is allergic to Penicillin.

**Mental Health Information:** The inmate indicated that she is currently not involved in the mental health system at this point in time as she does not satisfy criteria for treatment.

**Substance Abuse History:** The inmate indicated that prior to incarceration she always has done things to the extreme, and that while using alcohol that there was relatively poor self control. The inmate has indicated that since she began in earnest to change herself for the better, she has been actively involved in Alcoholic Anonymous and Narcotic Anonymous; and she has a healthy understanding regarding her skills in maintaining abstinence.

**Disciplinary Problems:** The inmate has indicated that she has had no disciplinary problems during the last interval. This is consistent with what's found in the disciplinary section of her central file.

**Work:** The inmate indicated that she is currently working as a label maker in the PIA. In addition, she also volunteers her time in the band as well as S.O.S. She also participates actively in AA and NA, and in anger management modules that are offered to her at the institution. Please refer to her central file for the numerous laudatory chronos regarding her accomplishments and her achievements.

**PLANS IF GRANTED RELEASE:** The inmate stated that she wishes to be paroled to her mother in Grover Beach, California. She states that she has a contact with the E.D.D. in the city and plans to be involved with the E.D.D. in assisting her to acclimate back into society by working on finding employment. She states that she is hopeful that with the possibility of employment that she will be able to receive health benefits from her employer. The inmate indicated that her family, which consists of her mother and her daughter, are supportive of her emotionally and has offered assistance to her such as housing. The inmate has a very realistic expectation of her parole. She indicates that because it is a small city that people would be aware of her parole given the notoriety of the crime.

The inmate states that despite her expectation that the transition back to society will be a difficult one, she is hopeful that with the assistance from the community that she would be able to acclimate successfully and re-integrate with society.

**MENTAL STATUS EXAMINATION:** Appearance: The inmate is a clean groomed Caucasian female in no acute distress. Behavior showed no psychomotor agitation, retardation. The inmate was calm and cooperative with interview. Maintained good eye contact. Speech was regular rate and rhythm. Mood was described as feeling okay.

Affect was noted to be normal intensity, normal range. Affect was mood congruent, it was stable. I was able to relate. Thought process was goal directed. Thought content: The inmate was preoccupied with her parole plans. The inmate denied any perceptual disturbances such as hallucinations with delusions. Denies any suicidal or homicidal thoughts. Her cognition is intact. Her insight and judgment is appropriate.

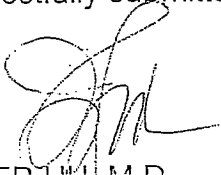
**DIAGNOSIS:**

AXIS I	No Diagnosis
AXIS II	No Diagnosis

**ASSESSMENT OF DANGEROUSNESS:** The inmate has not been dangerous within a controlled setting. I do not believe she will be dangerous if released to the community. This is based on the interview as well as review from her central file; although the first couple of years of incarceration has been difficult with numerous write-ups. However, the inmate has been motivated in her self-discovery and has improved dramatically over the years, to the point where she has matured significantly. The inmate has gained a healthy respect for the rights and privacy of others, and appeared to have been followed diligently in the rules and regulations here at this institution. The inmate has been able to keep her pathological characteristics in control and she has also obtained a certain level of peace and contentment within herself. Her parole plans, though a viable one, may be better improved if certain additional structures are involved, such as a search for higher education in a junior college or even a college degree given her level of high intellect functioning; and/or the possibility of a reentry program that can offer her a better strategy of acclimation back into society. Risk factors as always would be if she was ever tempted to resort to acts of criminality though given her level of peace and contentment, I would not suspect that to be the case.

Inmate Tripp was informed that she could consult with me again regarding this report should she have any questions.

Respectfully submitted,



PETER HU, M.D.  
Staff Psychiatrist

**CALIFORNIA INSTITUTION FOR WOMEN  
PSYCHIATRIC EVALUATION FOR THE BOARD OF PRISON TERM  
NOVEMBER 2002 CALENDAR**

**TRIPP, Brandee  
W-15695**

**IDENTIFYING DATA:** This is a Subsequent, and my sixth, Board Report on this 43-year-old inmate received at CIW on 2/18/81, for the term of 15-years to life for Second Degree Murder. This report was the result of review of the central file, clinical chart, and an interview on 8/29/02.

**RELEVANT HISTORY:** The inmate, when last evaluated in 1999, had no psychiatric diagnosis. Her last Board appearance was in July 2001 at which time parole plans were considered acceptable.

**CURRENT PROGRESS WHILE IN THE INSTITUTION:**

1. **Disciplinary Problems:** The inmate has had no disciplinary problems in the interval period.
2. **Work/School in Past Year:** The inmate has above average work reports, documented January 2002, as a label machine operator. She is described as dependable, with a good attitude. The inmate indicates that she has learned a lot about label technology, and in her spare time has also worked overtime sewing Nomex garments, which has afforded her other job skills.

**MEDICAL HISTORY:** The inmate has been diagnosed with diabetes. She is under fair control, via her clinical chart, although her eating habits are not quite ideal. Nevertheless, it has not resulted in any significant disability. She is currently on medication to control her diabetic condition.

**PLANS IF GRANTED RELEASE:** The inmate has had no change in her parole plans. Because her parole plans have been considered viable by her last appearance, I did not delve into this much further. I believe she has a good prognosis for community living.

**Clinical Assessment**

**MENTAL STATUS EVALUATION:** There has been no appreciable change in her mental status evaluation over the last several years. She is alert and oriented to time, person, and place. Her affect shows a full range of emotion. Memory for short term and long term is good. Psychomotor activity and speech are normal. She currently denies any alteration in sleep or appetite, and denies being troubled by nightmares. Her energy

levels tend to vary according to how she eats. She denies difficulty with mental concentration, and none is observed. She denies any particular difficulty with tearfulness, although as she relates her crime she becomes emotional. She denies any specific fears or phobias or symptoms of anxiety. She denies any suicidal, homicidal, or paranoid ideation. There is no evidence for any thought disorder.

Insight and judgment both appear to be good. The inmate later spoke at considerable length regarding the origins of her behavior, how it manifested antisocial behavior, why she picked the type of people she did to be around, and how all this resulted into a rather awful crime.

**DIAGNOSIS:**

Axis I: No Diagnosis.

Axis II: No Diagnosis. —

**CURRENT LEVEL OF CARE:** The inmate currently is not afforded any treatment through the C3MS Program. She has, however, been through many different psychotherapy groups over the years, dealing with incest issues as well as other psychological issues. She currently is involved in an anger management group. In the past she has been involved in 12-Step and AA Programs. I am satisfied that these needs are being met. The inmate also continues to be active in various activities within the Institution.

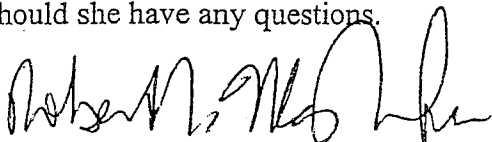
**REVIEW OF LIFE CRIME:** Per central file, the inmate had lured a ten-year-old victim to be kidnapped by two others, who later strangled her to death. The background behind this has been described extensively in past reports. The inmate had been sexually abused by her stepfather, who was a serial predator among women, and who was about to be held accountable. A potential witness was kidnapped. The stepfather had promised her financial reward if she followed the plan. The inmate states that her two codefendants agreed not to hurt the young girl, but merely to take her stepfather's money. They were being offered \$10,000. They instead strangled the girl and buried her.

The inmate believes that at the time she had been raised in a very ugly, distorted environment in which her stepfather preyed upon her. She associated with the man who became her husband, who was a sociopath. She states that she never would have stood by and saw the victim killed, and would have prevented it had she been there. She indicates she could not imagine ever associating with someone who could be that violent and cruel.

Causative factors appear obviously to reflect the type of upbringing she had and her association with the antisocial element, and the predicament she was in regarding her stepfather, who was particularly cruel and manipulative. She demonstrates a degree of insight and empathy regarding the crime.

**ASSESSMENT OF DANGEROUSNESS:** The inmate has not been dangerous within a controlled setting. I do not believe she would be dangerous if released to the community. Her orientation has obviously changed over many years, as reflected by a good work ethic and her involvement within the Institution. Significant risk factors as always would be appropriate parole plans, however these have been deemed viable in the past.

Inmate Tripp was informed that she could consult with me again regarding this report should she have any questions.

A handwritten signature in black ink, appearing to read "Robert D. McDaniel". The signature is fluid and cursive, with a large, stylized "M" and "D".

Robert D. McDaniel, M.D.  
Staff Psychiatrist



CALIFORNIA INSTITUTION FOR WOMEN  
PSYCHIATRIC EVALUATION FOR THE BOARD OF PRISON TERM  
NOVEMBER 1999 CALENDAR

TRIPP, Brandee  
W-15695

**IDENTIFYING DATA:** This is a subsequent, and my fifth, Board Report on this 40-year-old inmate received at CIW on 2/18/81, for the term of 15 years to life for Second Degree Murder of a ten year old kidnap victim. This report was the result of review of the central file, clinical chart, and an interview on 9/7/99, lasting approximately 45 minutes.

**RELEVANT HISTORY:** My prior report of May 1998 noted no psychiatric diagnosis and that the inmate had undergone a lot of psychotherapy. She, in the past, had been dependent upon sociopathic individuals. She has stated that she trusted her codefendants not to hurt the victim. In addition, the past use of illegal drugs had made her aggressive.

**Psychosocial Assessment**

I. Identifying Information

A. Age: 40

Date of Birth: 3/30/59

B. Marital Status: Divorced once.

Race: White

Sex: Female

Religion: Unaffiliated

C. Unusual physical characteristics, nicknames, aliases:

The inmate notes that she has had tattoos on 27 separate occasions.

II. Developmental History

A. Prenatal/perinatal concerns, birth defects:

The inmate notes that she was born with a congenital heart defect that required surgical correction. She was also born with an underdeveloped hip socket that required some type of physical therapy.

- B. Abnormalities of developmental milestones, speech/language/motor developments:  
The inmate otherwise notes no other abnormalities of development.
- C. Habits, peer interaction and socialization skills:  
She denies any problem interacting with peers as a child.
- D. History of cruelty to animals, enuresis, arson:  
She denies a history of cruelty to animals or enuresis, but admits to fire-setting on one occasion as a child.
- E. Significant childhood medical history:  
She notes no other significant childhood medical problems.
- F. History of physical or sexual abuse as perpetrator or victim:  
The inmate has a history of sexual abuse, being abused by her stepfather from ages 7 to 18.

III. Education

- A. Claimed grade level:  
The inmate notes that she did finish high school through a continuation school. She had been running away at the age of 17 and had missed school, requiring the transfer.
- B. Measured grade level:  
She believes her measured grade level to be 12.9.
- C. History of special education, academic or behavioral problems:  
She denies a history of any other special education problems other than the behavioral problems noted above.
- D. Current involvement/interests in educational activities:  
She denies any current involvement in educational activities.

IV. Family History

- A. Age, mental medical, substance abuse, educational, occupational, legal and criminal information on biological/step/adoptive parents, grandparents, and siblings:  
The inmate is unaware of her biological father's history, but notes her stepfather was a pedophile and died five years after her crime. Her mother is currently in her sixties and in frail health, having been treated with chemotherapy for breast cancer. Her mother has a history of alcoholism, but no longer drinks. The inmate has no siblings.



- B. Relationship with family members historically and currently:  
The inmate communicates with her mother weekly.
- V. Psychosexual Development and Sexual Orientation
  - A. Age of puberty, sexual relationship, sexual orientation:  
The inmate feels her age of puberty was around 17. Her early life was sexualized by a pedophilic stepfather, later leading to sexual behavior with her peers in the ninth grade.
  - B. History of high-risk behavior, sexual aggression, fantasy, etc.:  
She denies any other particular high-risk behavior.
- VI. Marital history
  - A. Dates of marriages/common-law type relationships  
The inmate notes she was only married once, to her codefendant, at the age of 19. He was 17.
  - B. Children:  
The inmate indicates that she has one daughter, age 21; currently living with her mother.
  - C. Characterize past and current relationships with spouse/children:  
The inmate indicates she is very close with her daughter and communicates with her regularly.
- VII. Military History
  - A. Periods of service:  
The inmate denies any military history.
- VIII. Employment/Income History
  - A. Significant periods of employment/reasons for termination:  
The inmate notes she worked variously as a nurses aide or as a maid in a motel up until the time that she was married. Thereafter, she did not work.
  - B. Work skills/government programs/union affiliations:  
The inmate has no union affiliations.
  - C. Public assistance/money management:  
She was on public assistance while pregnant.
  - D. Current interests/aptitudes:  
While incarcerated, she has variously worked as a clerk, forklift driver, and currently working in the maintenance warehouse.

IX. Substance Abuse History

- A. Acknowledged alcohol and illegal drug usage:  
The inmate describes using illegal drugs and alcohol at the age of 13. She used marijuana, cocaine, and amphetamine.
- B. Treatment programs or placements:  
The inmate had no treatment prior to incarceration. Since, she has attended various AA and 12-step groups, and in the past has demonstrated a good working knowledge of the technical aspects of the maintenance of sobriety. She continues to maintain herself in these activities which should continue on a lifetime basis.

X. Psychiatric and Medical History

- A. Prior diagnoses, onset of illness:  
The inmate denies any prior diagnosis.
- B. Prior hospitalizations and response to treatment:  
She denies a history of psychiatric treatment.
- C. History of serious accident or head injury:  
She denies a history of any serious accident or head injury.
- D. History of suicidal/homicidal assaultive behavior:  
She denies a history of suicidal behavior. She denies homicidal behavior but notes she was assaultive towards a boy who struck her at the age of 16 or 17. She recalls being drunk at the time.
- E. Seizure or other neurological conditions:  
She denies any seizure or neurologic condition.
- F. Disabilities, significant impairments or illnesses:  
She denies any current disabilities or impairments.
- G. Medications:  
She is on no medications.

XI. Plans if Granted Release

- A. Living arrangement and support system:  
The inmate would return to live with her mother, where her daughter currently resides as well.

- B. Financial/vocational plans:  
She has been made the beneficiary of her mother's trust and anticipates an income of approximately \$1000 per month. She would like to work part time in the capacity of a hotel maid, or any other capacity, and attend computer school at the same time.
- C. Compliance with conditions of parole/outpatient treatment:  
She indicates that she would attend meetings and go to counseling. She describes what attempt she has made to locate these services which might be nearby.
- D. Viability of plans/problem areas/supportive relationships:  
It appears that the inmate has given some thought regarding the viability of her parole plans, including the community reaction to her release.
- E. Prognosis for community living:  
The prognosis for community living is likely to be good based upon her current ability to conform within the confines of the Institution and attend self-help activities.

### Clinical Assessment

#### XII. Current Mental Status/Treatment Needs

##### A. Summary Mental Status Evaluation:

The inmate is alert and oriented to time, person, and place. Her affect shows a full range of emotion. Her overall mood is normal. Her attitude towards the examination is fairly calm and self-disclosing. Memory for short term and long term is good. She can quickly recall three of three objects after three minutes. She can serially subtract 7 from 100. Psychomotor activity and speech are normal. She reports no problem with sleep, appetite, or energy. She denies being troubled by nightmares. She denies and shows no difficulty with mental concentration or focusing her attention. She denies and shows no evidence for any tearfulness, but does become briefly emotional when speaking about the death of her victim. She denies any particular fears or phobias or symptoms of anxiety. She denies any suicidal, homicidal, or paranoid ideation. There is no evidence for any thought disorder.

Insight appears to be good into the consequences of an incestuous relationship with an abusive stepfather, leading to substance abuse and the association with the antisocial element. Judgment would appear to be

good as manifested by a disciplinary-free record in the interval period, with the exception of a 128 in May 1999 for excessive and altered clothing.

- B. Clinical Diagnoses and Level of Functioning (including personality disorders and organic/neurological impairment):

**DIAGNOSIS:**

Axis I: No Diagnosis.

Axis II: No Diagnosis.

- C. Current Level of Care:

Currently psychological treatment is not available to inmates who do not meet C3MS criteria.

- D. Treatment Activities:

The inmate has participated in the victim's impact group, as well as relapse prevention groups, through the auspices of AA. She has also facilitated Breaking Barrier groups.

- E. Medications:

She is currently on no medication.

- F. Prognosis:

Her prognosis for continued self-improvement is good.

XIII. Review of Life Crime

- A. Inmate's version of offense/attitude toward victim/assessment of causative factors:

The inmate's crime has been discussed extensively in prior evaluations. The inmate conspired with two others to kidnap a potential witness to a trial in which her stepfather had been accused of molesting a ten year old girl. The inmate lured the girl to where her two male codefendants took her to a remote location where she was strangled and buried. The inmate states that the victim died because of the inmate's stupidity. She becomes emotional stating that while she did not physically kill the child, she feels bad that she married the person she did, that she associated with these type of people, and that she allowed these series of events to happen. She maintains, however, that it was never her intention that the victim come to any harm.

The inmate disputes her husband's version of the crime, feeling that he is merely self-serving and unable to face the truth. The inmate will describe

her husband as being younger, and not very intelligent. She indicates he probably would have been capable of more if he had ever applied himself. He was too busy being "tough." Of note, a review of the central file reveals that her husband's I.Q. was assessed in prison as being around 78.

I asked the inmate if there had ever been another kidnapping planned amongst herself and her codefendants. The inmate admits that the victim's sister, an older woman of 20 years, had also been considered for abduction. When asked if she had been in on this possible plan, the inmate replies, "I was partly in on it." The inmate notes that she had refused to be involved in the physical abduction, but would have helped them in luring the woman outside.

I asked the inmate if any particular discussion had been made about killing this particular woman. She replies, "They talked about killing her, but I felt that if I didn't participate I wouldn't be guilty."

I asked the inmate if there was ever any talk about killing the victim in her crime, that is, the 10 year old girl. She replies, "Hilton talked about it one night while smoking marijuana." The inmate goes on to explain that her husband had spoken of shooting people from a distance, but that she had told him that it was not right to shoot someone. The inmate then reflects that at the time she felt that if she was involved in the circumstances, she might be able to control it. Of note there is information in a police report in the central file that alludes to one witness stating that the inmate, as well as her two codefendants, did in fact discuss killing a potential victim sometime before the crime itself.

- B. Relevance of mental condition to life crime/criminal behavior  
The inmate, at the time, had an antisocial orientation, perhaps the result of being the victim of an incestuous relationship, involving herself in drugs and alcohol, and the antisocial element.
- C. Inmate's level of insight/remorse/empathy:  
The inmate demonstrates regret for the victim's death, and seems to recognize the type of behaviors that led to this circumstance.
- D. Causative factors (including mental condition, if appropriate):  
The inmate maintains that she never intended the victim to come to any personal harm. Information contained in the central file describes some type of discussion regarding harm coming to the victim, although this is not clear.

XIV: Assessment of Dangerousness

A. Within Controlled Setting:

The inmate has not been dangerous within a controlled setting in the recent past.

B. If Released to Community:

If released to the community it appears likely that she would continue with her current behavior. She shows enthusiasm for a good work ethic, introspection, and has availed herself of numerous self-help groups and opportunities.

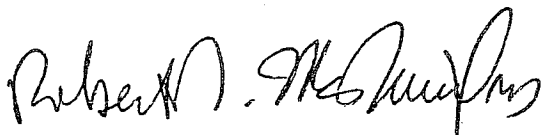
C. Significant Risk Factors/Precursors to Violence:

In the past, significant risk factors appeared to involve this inmate's inability to support herself either financially or emotionally, and she did not appear to appreciate the level of dangerousness she was involved in while associating with her codefendant.

XV: Clinical Observations/Comments/Recommendations:

It appears that the inmate has become far more careful regarding who she associates with and verbalizes at length her desire to be extremely cautious regarding her behavior, the people she associates with, and to be vigilant regarding what is going on around her.

Inmate Tripp was informed that she could consult with me again regarding this report should she have any questions.



Robert D. McDaniel, M.D.  
Staff Psychiatrist

# **EXHIBIT E**

CALIFORNIA INSTITUTION FOR WOMEN  
BOARD OF PRISON TERMS  
SUBSEQUENT PAROLE CONSIDERATION HEARING  
JUNE 2004 CALENDAR

TRIPP, BRANDEE

W-15695

I. COMMITMENT FACTORS:

A. Life Crime:

Murder 2<sup>nd</sup>, PC 187, Case #CR7639, Monterey County,  
15 years to life. Victim: Tameron Carpenter, age  
10.

1. SUMMARY OF CRIME:

As taken from Initial Parole Consideration  
Hearing Report dated 08/16/88.

On July 8, 1979, the victim's mother reported her daughter missing, and indicated William Record (Brandee Tripp's Stepfather) might be involved in the disappearance of her daughter. The victim was scheduled to testify against Mr. Record in a child molestation case. Subsequent investigation led John Sorenson to reveal knowledge of a conspiracy to kidnap the child by Mr. Record and Hilton Tripp (Ms. Tripp's husband). Roger Ladd indicated Mr. Record offered him \$1000.00 to kidnap the victim's older sister, Betty Ann Murdock. He observed Hilton Tripp, Randy Cook and Brandee Tripp discussing methods of killing the older sister. Mr. Ladd also observed further discussions of methods of kidnapping and killing Tameron Carpenter by Hilton and Brandee Tripp. On July 9, 1979, Hilton Tripp implicated Randy Cook as the person who killed the victim, and acknowledged he assisted in burying the child. He stated his wife Brandee was in agreement with the kidnapping and arranged for the child to leave home in order to facilitate the events. The body of the victim was found buried near Avila Beach. Ms. Tripp was arrested on July 10, 1979.



2. Prisoner's Version:

Ms. Tripp has reviewed her Prisoner's Version from her BPT report dated September 2002. Her version remains the same:

Ms. Tripp admits that she had prior knowledge of the kidnapping, and that she arranged for the victim to go to the store alone, where she would be picked up by Hilton Tripp and Randy Cook. However, she remains adamant that she had no idea that Tameron would be killed. She states that throughout their planning it was never a question in her mind that their scheme would result in the victim's murder. She alleges that she agreed to and participated in the kidnapping to collect \$10,000 offered by William Record, and that she was not present during the commission of the crime. When the others told her that Tameron had been murdered she reported that she was stunned and upset, and wanted to block the incident out of her mind. She accepts responsibility for Tameron's death and realizes that her cooperation made the victim more accessible to being kidnapped and subsequently murdered.

3. AGGRAVATING/MITIGATING CIRCUMSTANCES:

A. AGGRAVATING FACTORS:

1. Victim was particularly vulnerable since she was only 10-years-old.
2. Inmate may have occupied a position of leadership or dominance over other participants in the commission of the crime.
3. During the commission of the crime the inmate had a clear opportunity to cease but instead continued.
4. Inmate had special position of trust with the victim as a family friend for several years.
5. The inmate involved minors in the commission of the crime.

6. The crime involved a high degree of viciousness and callousness.
7. The planning of the crime indicated premeditation.

**B. MITIGATING FACTORS:**

1. The inmate has no prior history of criminal behavior.

**II. PRECONVICTION FACTORS:**

**A. JUVENILE RECORD:**

None indicated.

**B. ADULT CONVICTIONS AND ARRESTS:**

None indicated.

**C. PERSONAL FACTORS:**

Ms. Tripp is a divorced woman, born to the union of Bill Sisemore and Mary Record in California. She has one half sister and one half brother. Her parents were separated when Ms. Tripp was two-years-old and her mother married William Record, co-defendant, three-years later. Ms. Tripp claims she was especially close to her maternal grandmother who is now deceased. Her mother was employed as secretary and her stepfather as an electrician. Ms. Tripp claims she was close to her stepfather despite the fact that he once attempted to molest her when she was about 7-years of age. She describes the relationship between herself and her stepfather as sick, in that she would often use blackmail attempts to get what she wanted from him. Ms. Tripp received average grades in school and was not seen as a behavior problem until she met Hilton Tripp in the 10<sup>th</sup> grade. At this point she was expelled from school, but later graduated from a continuation high school. Ms. Tripp claims her marriage to Hilton was forced upon her by both her grandmother and stepfather because she was pregnant. She reports she never loved or wanted to marry him. A child was conceived as a result of this union. After the birth of her daughter, she and her husband were unable to financially care for the child; therefore her mother became the primary caretaker and has since legally adopted Ms. Tripp's child. Ms. Tripp has no documented history of prior work experience.

III. POST CONVICTION FACTORS:

A. SPECIAL PROGRAMMING/ACCOMMODATIONS:

Not applicable.

B. CUSTODY HISTORY:

Ms. Tripp was received at the California Institution for Women on 02/18/81 for the offense of Murder 2<sup>nd</sup> Degree, PC 187, count 3, case #CR7639. She received a term of 15 years to life.

02/18/81 Received at the Reception Center of the California Institution for Women.

02/24/81 Appeared before the Institutional Classification Committee where she was placed in protective custody.

03/04/81 Assigned to PTU Proper by ICC.

10/16/81 Job change to SCU Clerk.

06/18/82 Assigned as CCI Clerk, Medium A custody, receiving above average to excellent evaluations.

05/06/83 Appeared before UCC for Program Review, Minimum A custody. Ms. Tripp was subsequently granted Minimum A custody and a white pass.

08/22/83 Appeared before UCC, Minimum A custody and was job changed to RC Statistic Clerk.

11/04/83 Appeared before UCC, Minimum A custody for a Six-month Review. Committee elected to continue present programming.

03/27/84 Appeared before UCC, Minimum A custody and reassigned to RC Records Clerk.

05/04/84 Appeared before UCC for Program Review. The committee acted to raise custody to Medium A and continue present program.

02/15/85 Appeared before UCC, Medium A custody and was job changed to Relief PM Cook.

04/19/85 Reviewed in absentia by UCC for a Semi-Annual Program Review. The committee acted to retain subject in her work assignment.

06/06/85 Appeared before Classification Subcommittee for Review for a Campus Pass. Committee acted to give Ms. Tripp and undesignated Green Pass.

07/19/85 Appeared before Classification Subcommittee for consideration for a White Pass. The committee acted to approve a White Pass.

10/25/85 Appeared before Unit Classification for a Six-month Program Review. Committee acted to continue present program and reschedule for review in six-months.

12/13/85 Appeared before Unit Classification Committee, Medium A custody. The committee acted to reassign Ms. Tripp to RC ADM JTS and Self-Development Class.

08/15/86 Appeared before Unit Classification Committee for Annual Review, medium custody, classification score 42. The committee acted to continue present program.

12/22/86 Appeared before Classification Committee for work reassignment. Reassigned to Self-Development.

02/13/87 Appeared before Unit Classification Committee for Annual Review, Medium A custody, classification score 38. Committee acted to refer case to ICC,

recommending general population  
placement.

05/29/87 Appeared before Unit Classification Committee for housing evaluation, Medium A custody, classification score 38. Committee acted to refer case to ICC for general population placement.

09/18/87 Appeared before Unit Classification Committee for Annual Review. Medium A custody, classification score 44, assignment IST Clerk. Committee acted to continue present program.

12/14/89 Appeared before UCC for Annual Review, medium A custody, classification score 46, assignment Clerk Maintenance. Committee acted to continue present program.

08/01/91 Appeared before UCC I for Annual Review, medium A custody, classification score 26, assignment Maintenance Office Clerk. Committee acted to refer case to CSR, recommending CIW.

08/13/91 Endorsed for CIW, administrative placement, WOR.

08/04/92 Appeared before UCC for Program Review, medium A custody, classification score 26. Committee acted to confirm Peer Helper assignment.

08/18/92 Appeared before UCC for Annual Review, medium A custody, classification score 18, assignment Peer Helper Clerk. Committee acted to refer case to CSR recommending CCWF/Retain at CIW due to critical worker position need.

09/09/92 Endorsed for CIW-III based on Life term status.

07/03/93 Appeared before Unit Classification Committee for Program Review requesting job change, medium A custody, classification score 10, assignment Peer Helper. Committee acted to place on Word Processing Waiting List.

08/17/93 Appeared before UCC for Annual Review, medium A custody, classification score 10, assignment Graphic Arts. Committee acted to retain at CIW level I per inmate request.

08/18/94 Appeared before Unit Classification Committee for Annual Review, Medium A custody, classification score 2. The committee acted to continue present program per inmate request.

08/17/95 Appeared before UCC for Annual Review, medium A custody, Classification Score 0. The committee acted to continue present program per inmate request.

08/28/96 Appeared before UCC for Annual Review, medium A custody, classification score 0. Committee acted to continue present program per inmate request.

08/06/97 Appeared before UCC for Annual Review, medium A custody, classification score 0, assignment Warehouse Clerk. The committee acted to continue present program per inmate request.

08/12/98 Appeared before UCC for Annual Review, medium A custody, classification score 0. The committee acted to refer the case to CSR, recommending CIW-III override per inmate request.

08/25/98 Ms. Tripp was endorsed for CIW-III. Administrative placement Life.

08/05/99 Appeared before UCC for Annual Review, medium A custody, classification score

0, assignment Warehouse Clerk. The committee acted to continue present program per inmate's request.

05/11/00 Appeared before UCC for Job change Review, medium A custody. The committee acted to assign to PIA.

08/10/00 Appeared before UCC for Annual Review, medium A custody, classification score 0, assignment Industry. The committee acted to continue present program per inmate's request.

08/02/01 Appeared before UCC for Annual Review, medium A custody, classification score 0. The committee acted to refer case to CSR, recommending CIW-II/LIF/WOR/FAM.

09/06/02 Endorsed for CIW-II.

08/12/03 Appeared before UCC for Annual Review, medium A custody, placement score 19, assignment PIA. The committee acted to continue present program per inmate request.

C. THERAPY AND SELF-HELP ACTIVITIES:

Since her last hearing on 11/06/02, Ms. Tripp has continued her positive program and enhanced her parole suitability by continuing her participation in various self-help and volunteer activities. On 12/04/02, she completed the Inmate Assistance Module, Anger Management. She is noted for continued attendance and participation as a member of AA/NA. Ms. Tripp also participated in the SOS Crochet Project from 11/15/02 through 05/01/03. The CIW Mass Choir also thanks Ms. Tripp for her continued assistance and dedication to the choir. (See Post Conviction Progress Report for more details.)

D. DISCIPLINARY HISTORY:

Custodial Counseling Chrono (CDC 128-A):

06/03/81 Refusing to work.

06/05/81 Horseplay.

08/18/81 Disruptive behavior.  
 10/30/81 Door not being flushed.  
 05/30/82 Sexual behavior.  
 07/11/82 Inappropriate photograph.  
 09/17/83 Playing radio too loudly.  
 06/06/84 Disrupting count.  
 09/08/84 Disruptive behavior.  
 03/23/87 Out of Bounds.  
 03/09/88 Failed to report to work assignment.  
 03/30/88 Failed to report to work assignment.  
 01/25/96 Misuse of state property.  
 05/27/99 Excess property.

Rule Violation Reports (CDC 115):

09/04/81 DR3007- Guilty, 10 days disciplinary detention.  
 02/14/82 DR3005(A)-Guilty, 5 days CTQ.  
 03/11/82 DR3005(B)-Guilty, 4 days disciplinary detention.  
 10/06/85 3040(D), division F-Guilty, 10 days LOC.  
 12/23/86 3004(B) & 3005(B)-Administrative-Guilty, 3 weekend room locks.  
 05/10/87 3015-Administrative-Guilty, 20 hours extra duty.  
 06/18/87 3005(B), division F-Guilty, 10 days LOC.  
 11/24/87 3004, division F-Guilty, 20 days LOC.  
 11/27/87 3007, division F-Guilty 20 days LOC.  
 11/24/87 3004, division F-Guilty, 20 days LOC.  
 03/31/88 3063, division F-Guilty, 2 weekend locks

7



E. OTHER:

Noted in the Miscellaneous Section are various certificates of completion.

IV. FUTURE PLANS:

Ms. Tripp is single and has no children to support. She has made no plans to wed in the near future and does not foresee any problems.

A. RESIDENCE:

Upon her release, Ms. Tripp plans to parole to Casa Solana, which is a residential treatment facility. The address is 383 s. 13<sup>th</sup> St., Grover Beach, CA 93433. Telephone number is (805) 489-4179. After completion of this program, Ms. Tripp plans to reside with her mother Mary Jenkins, at 1559 Seabright, Grover Beach, CA 93433, telephone number (805) 489-4179.

B. EMPLOYMENT:

Ms. Tripp will seek employment in the areas of Word Processing, clerical work, warehousing, forklift driver or as a label mechanic operator. She also plans to attend computer school and has written programs for additional housing and employment plans.

C. ASSESSMENT:

Ms. Tripp last appeared before the Board of Prison Terms on 11/06/02. The BPT found Ms. Tripp suitable for parole pending Governor's Review. On 04/04/03 the Governor invoked his authority to reverse the Board's decision to grant Ms. Tripp parole. Since her last hearing, Ms. Tripp has enhanced her suitability by continued participation in various self-help and volunteer activities. She maintains a positive outlook towards future parole possibilities and is an asset to the institution.

V USINS STATUS:

Not applicable.

VI. SUMMARY:

A. With consideration to the commitment offense, prison adjustment and personal interaction with Ms. Tripp, this writer believes the prisoner would probably present a Medium to Low degree of threat

TRIPP, BRANDEE W-15695 CIW JUNE 03/30/04 PF/cy

12

to the public if released from prison at this time.

B. Prior to release, Ms. Tripp could benefit from:

1. Continue to remain disciplinary free.
2. Continue to upgrade vocationally.
3. Continue to participate in available self-help/therapy programs.

C. This Report is based on a one (1) hour interview with Ms. Tripp and a four (4) hour review of the central file.

D. Ms. Tripp took the opportunity to examine her central file on 04/08/04 in preparation for her BPT hearing.

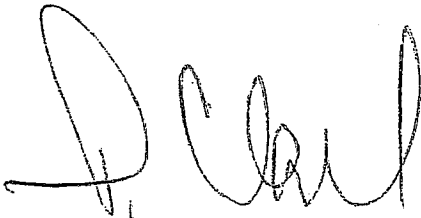
E. No accommodation was required per the Armstrong vs. Davis BPT Parole Proceedings Remedial Plan for effective communication to complete this report.

PREPARED BY:

REVIEWED BY:

  
P. FLORENCE, CCI

  
D. GARCIA, CCII



P. CLARK

CLASSIFICATION & PAROLE REPRESENTATIVE

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

**LIFE PRISONER: POSTCONVICTION PROGRESS REPORT**

- ☐ DOCUMENTATION HEARING
- ☐ PAROLE CONSIDERATION HEARING
- ☐ PROGRESS HEARING

**INSTRUCTIONS**

TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT.

TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, i.e., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
			<p><u>PLACEMENT:</u> Review Period 11/2002 to Present</p> <p>Ms. Tripp remained in general population, medium A custody, Placement Score of 19. Continued assignment in PIA receiving primarily satisfactory evaluations.</p> <p><u>CUSTODY:</u> Medium A.</p> <p><u>VOCATIONAL TRAINING:</u> Continued assignment in PIA, where she has been since 05/12/00. Lupe Quiroz, PIA Supervisor notes, Ms. Trip is doing satisfactory work, has good working habits and is always willing to cooperate.</p> <p><u>ACADEMICS:</u> None noted.</p>
CORRECTIONAL COUNSELOR SIGNATURE			DATE

NAME	CDC NUMBER	INSTITUTION	CALENDAR	HEARING DATE
TRIPP, BRANDEE	W-15695	CIW MAY	03/30/04	PF/cy

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
			<p><u>WORK RECORDS:</u></p> <p>Continued in PIA since 05/12/00.</p> <p><u>GROUP ACTIVITIES (CDC 128-B):</u></p> <p>12/11/02 A member of AA/NA.</p> <p>01/09/03 Received a letter of appreciation from the Forever Free Program.</p> <p>03/31/03 Recognized for contributing to the line-dancing classes.</p> <p>05/01/03 Acknowledged for her commitment to the SOS Crochet Project.</p> <p>06/04/03 Continued participation as a member of AA/NA.</p> <p>06/25/03 Continued participation in the Inmate Assistance Module, Anger Management.</p> <p>12/04/03 Completed the Inmate Assistance Module, Anger Management.</p>

ORDER:

- ☐ BPT date advanced by \_\_\_\_\_ months.
 ☐ BPT date affirmed without change
 ☐ BPT date advanced by \_\_\_\_\_ months.
 ☐ PBR date affirmed without change

SPECIAL CONDITIONS OF PAROLE:

- ☐ Previously imposed conditions affirmed.
 ☐ Add or modify \_\_\_\_\_
 ☐ Schedule for Progress Hearing on appropriate Institutional calendar.

NAME	CDC NUMBER	INSTITUTION	CALENDAR	HEARING
TRIPP, BRANDEE	W-15695	CIW	MAY 03/30/04	PF/cy

13

CONTINUATION SHEET: LIFE PRISON POSTCONVICTION PROGRESS REF T

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
			<p>12/30/03 CIW Mass Choir thanks Ms. Tripp for her assistance and dedication to the choir.</p> <p><u>PSYCHIATRIC TREATMENT:</u></p> <p>None Noted.</p> <p><u>PRISONER BEHAVIOR:</u></p> <p>Ms. Tripp's overall prison behavior would be described as satisfactory. She interacts well with staff and inmates at the California Institution for Women and meets the standards and expectations set down by the Department of Corrections.</p> <p><u>OTHER:</u></p> <p>No further information.</p>

## ORDER:

- ☐ BPT date advanced by \_\_\_\_\_ months.
 ☐ BPT date affirmed without change
- ☐ BPT date advanced by \_\_\_\_\_ months.
 ☐ PBR date affirmed without change

## SPECIAL CONDITIONS OF PAROLE:

- ☐ Previously imposed conditions affirmed.
- ☐ Add or modify \_\_\_\_\_
- ☐ Schedule for Progress Hearing on appropriate institutional calendar.

NAME	CDC NUMBER	INSTITUTION	CALENDAR	HEARING
------	------------	-------------	----------	---------

TRIPP, BRANDEE

W-15695

CIW

MAY

03/30/04

PF/cy

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
			<p>SUBMITTED BY: P. FLORENCE, CCI</p> <p>REVIEWED BY: D. GARCIA, CCII</p> <p>P. CLARK CLASSIFICATION &amp; PAROLE REPRESENTATIVE</p>

ORDER:

- ☐ BPT date advanced by \_\_\_\_\_ months.
 ☐ BPT date affirmed without change
- ☐ BPT date advanced by \_\_\_\_\_ months.
 ☐ PBR date affirmed without change

SPECIAL CONDITIONS OF PAROLE:

- ☐ Previously imposed conditions affirmed.
- ☐ Add or modify \_\_\_\_\_
- ☐ Schedule for Progress Hearing on appropriate institutional calendar.

NAME	CDC NUMBER	INSTITUTION	CALENDAR	HEARING
TRIPP, BRANDEE	W-15695	CIW	MAY 03/30/04	PF/cy

## **EXHIBIT F**

**BOARD OF PRISON TERMS**

1515 K Street, Suite 600  
Sacramento, California 95814  
(916) 445-4072



May 31, 2002

Gary M. Diamond  
Attorney at Law  
P.O. Box 420  
Rocklin, CA 95677

RE: Production of Documents

Dear Mr. Diamond:

This is in response to your May 15, 2002 letter addressed to the Executive Officer. The memorandum referenced in your letter is referred to as an executive summary. This summary is an analysis of the parole decision prepared by the Board's Legal Unit. Our executive summaries are protected from disclosure under the attorney work-product doctrine and the deliberative process privilege. We also assert that any attempt to inquire into the mental processes of counsel for the Board is irrelevant and impermissible under a doctrine first enunciated by the United States Supreme Court in United States v. Morgan (1941) 313 U.S. 409, 422, and more recently recognized in Hornung v. Superior Court (2000) 81 Cal.App.4th 1095. According to this precedent, neither the court nor counsel are allowed to inquire into the deliberative process relating to an adjudicative decision made by a member of the executive branch. We believe this precedent applies to the review of parole decisions by the Board's Legal Unit.

Given this background, we will not be providing you with copies of any executive summaries. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "JP Winn".

JOHN P. WINN  
Chief Counsel

cc: Carol A. Daly  
Marvin E. Speed

**RECEIVED**  
JUN 11 2002

BY:.....



DECLARATION OF GARY M. DIAMOND

I, GARY M. DIAMOND, hereby declare:

1. I am an attorney, licensed to practice law in California, specializing in parole law, writs and appeals involving parole and the Board of Prison Terms (BPT).
2. During the most recent five-year period I have represented inmates at approximately one thousand parole hearings for lifers. By "lifer", I mean prison inmates serving life-maximum indeterminate sentences.
3. By law, Governor Gray Davis appoints BPT's Chairperson and commissioners. Since April 8, 1999, when Governor Davis announced and BPT implemented his no-parole mandate precluding parole for lifers convicted of murder and other offenses, I have suspected and been concerned about a policy by which BPT, upon granting parole to a lifer and approving its decision on review, has its staff prepare the "Governor's" decision consisting of negative facts and inferences extracted from the inmate's record that disfavor parole (although BPT found the inmate suitable and "granted" parole), which the Governor or his staff member signs or rubberstamps, using Penal Code § 3041.2 to reverse all paroles "granted" to lifers convicted of murder and § 3041.1 to refer all paroles "granted" to lifers convicted of other offenses to BPT for an en banc hearing and possible rescission of the parole grant. For the following reasons I now believe that this policy was implemented by BPT and has been in force for at least several years.
4. At least three such "Governor's" decisions reversing paroles "granted" by BPT to inmates I represented encompassed inferences and language that, in my experience, could only have originated with BPT. The verbiage used in the "Governor's" parole decisions is often identical to that commonly used in reports prepared by BPT's investigative and legal staff, including the reports they prepare in cases of Battered Woman's Syndrome. In at least three such cases the Governor's report included erroneous "facts" and implications that would not be contained in the usual material forwarded to the Governor by BPT for review, which are available only to BPT staff, including but not limited to material that originated from BPT's investigative staff.
5. On April 29, 2002, I attended a meeting in BPT's board room convened by BPT's Chairperson, Carol Daly, that was attended by representatives from several law enforcement offices, legislative aides, Department of Corrections officials and attorneys who regularly represent lifer inmates in parole matters.
6. A topic on the agenda of BPT's April 29, 2002 meeting that I attended involved parole determination procedures for lifers. When someone asked about the material that BPT sends to the Governor for his review of lifer parole grants, two members of BPT's panel, including Marvin Speed, its Executive Director, were evasive. I repeated the question, but Mr. Speed gave only a partial answer, describing some of the material BPT sends to the Governor's office.

7. I then asked what other documents BPT formulates and sends to the Governor's office. After some of BPT's panel members looked at each other, Mr. Speed replied, "We can't discuss that." I then asked John Wynn, BPT's legal counsel, if BPT prepares any documents for the Governor comprising or suggesting his eventual decision for or against parole in such cases. Mr. Wynn replied, "I can't answer that question. Let's move on."
8. I then posed the question to Mr. Speed and Mr. Wynn, "Are you telling me that someone from the board writes a letter or memorandum and forwards it to the Governor's office that is contrary to the parole decision made by the granting panel and the DRU [BPT's decision review unit] or does someone within the board actually write the decision that the Governor signs when he denies parole?" The panel members refused to answer my question.
9. The following day while attending a parole hearing at Calipatria Prison, I spoke to a BPT commissioner and discussed the conversations I described above. The commissioner confirmed that someone within the board, most likely investigative or legal staff, formulates and suggests that parole be denied based on the negative factors described therein. The commissioner told me that this procedure was implemented during or before the time when Mr. Nielsen [Jim Nielsen] was BPT's Chairman, and has continued under Commissioners Hepburn [David Hepburn] and Daly [Carol Daly, current BPT Chairperson].
10. Since that time I have spoken to other BPT commissioners, two of whom have confirmed this procedure.
11. From these facts and my experience in handling large numbers of parole cases including many subjected to this process, I believe that the "decisions" made by Governor Davis in these cases under Penal Code § 3041.1 and § 3041.2, are in fact formulated by BPT to recommend contrary to its decisions granting parole, and that the Governor or a member of his staff signs or rubberstamps these "decisions."
12. I am providing this information in the interest of justice, I have received no compensation or consideration therefor, and I am willing to testify thereto in a court of law if called upon to do so.

I DECLARE, under penalty of perjury, that the facts I have stated above are true and correct, except where I have declared a belief thereof, in which case I believe such facts to be true based on the evidence I have set forth.

Dated 8/20, 2002, at Rocklin, California.

  
 Gary M. Diamond

State of California

## MEMORANDUM

To: Mr. James Gomez  
Director  
California Department of Corrections  
1515 S Street, Room 351 N  
Sacramento, California 94283-0001

Date: October 24, 1991

File No:

Subject: Forwarding of  
Lifer Central Files to the  
Board of Prison Terms

From: BOARD OF PRISON TERMS

Penal Code Section 3041.1 specifies that up to 90 days prior to a scheduled parole release date, the Governor shall have the power to request review of any decision concerning the grant or denial of parole to any prisoner in a state prison.

Penal Code Section 3041.2 provides that during the 30 days following the granting, denial, revocation, or suspension by the Board of Prison Terms (BPT) of the parole of a person sentenced to an indeterminate prison term based upon a conviction of murder, the Governor, when reviewing the BPT's decision, shall review materials provided by the BPT.

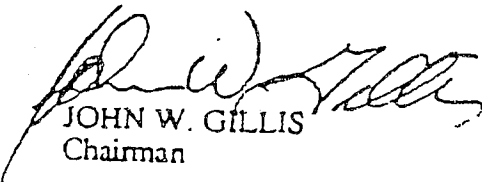
Since the issuance of a Department of Corrections instructional memorandum concerning this matter, dated August 28, 1991, the Governor's Office has requested the Central File be provided for their review following any BPT decisions involving the following type cases:

- 1) Parole consideration hearings involving the grant of a parole date;
- 2) Parole Board Rules hearings;
- 3) Parole rescission hearings; and
- 4) Progress hearings.

Additionally, the Governor's Office has requested the Central File be provided for their review prior to the release on parole of any DSL prisoner whose commitment offense involved a "heinous" crime.

Any questions concerning this should be directed to the Office of the Board of Prison Terms Chief Counsel at (916) 322-6729 or ATSS 492-6729.

I appreciate your continued cooperation in this matter.

  
JOHN W. GILLIS  
Chairman

**DECLARATION OF SERVICE BY MAIL**

Case Name: **In re Brandee Tripp** on Habeas Corpus

I declare that on February 26, 2005, I served the attached

**Petition for Writ of Habeas Corpus; Memorandum of P&As; Exhibits**

On the parties listed below by enclosing same in an envelope to which adequate first class postage was affixed, and depositing same in the box for United States Mail at Walnut, California.

**Attorney General  
455 Golden Gate Avenue  
San Francisco, CA 94102**

I declare, under penalty of perjury, that the facts I have stated above are true and correct.

Dated February 25, 2005, at Walnut, California

RECEIVED  
ATTORNEY GENERAL  
MAY 10 A 9 44  
CA. DEPT. OF JUSTICE  
SAN FRANCISCO  
MAILROOM

Joseph M. Wasto  
Declarant